



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 2409

H-8067

1 Amend House File 2409 as follows:

2 1. Page 1, after line 2 by inserting:

3 <Sec. _____. NEW SECTION. 2.34 Harassment and
4 bullying prohibited — policy.

5 1. *Definitions.* For purposes of this section,
6 unless the context otherwise requires:

7 a. “*Electronic*” means any communication involving
8 the transmission of information by wire, radio,
9 optical cable, electromagnetic, or other similar
10 means. “*Electronic*” includes but is not limited to
11 communication via electronic mail, internet-based
12 communications including social networking sites, pager
13 service, cell phones, electronic text messaging, or any
14 other electronic communication site, device, or means.

15 b. “*Harassment*” and “*bullying*” shall be construed to
16 mean any electronic, written, verbal, or physical act
17 or conduct toward a member which is based on any actual
18 or perceived trait or characteristic of the member
19 or any other reason and which creates an objectively
20 hostile environment that meets one or more of the
21 following conditions:

22 (1) Places the member in reasonable fear of harm to
23 the member’s person or property.

24 (2) Has a substantially detrimental effect on the
25 member’s physical or mental health.

26 (3) Has the effect of substantially interfering
27 with a member’s performance in the general assembly.

28 (4) Has the effect of substantially interfering
29 with the member’s ability to participate in or benefit
30 from the services, activities, or privileges provided
31 by the general assembly.

32 c. “*Member*” means a member of the general assembly.

33 d. “*Trait or characteristic of the member*” includes
34 but is not limited to age, color, creed, national
35 origin, race, religion, marital status, sex, sexual
36 orientation, gender identity, physical attributes,
37 physical or mental ability or disability, ancestry,
38 political party preference, political belief,
39 socioeconomic status, or familial status.

40 2. *Policy.* On or before January 1, 2015, the
41 legislative council shall adopt a policy prohibiting
42 harassment and bullying in the general assembly, in
43 the capitol building and capitol grounds, and at any
44 legislative function or activity regardless of its
45 location. The legislative council shall make a copy
46 of the policy available to all members, officers,
47 and employees of the general assembly and shall take
48 all appropriate steps to bring the policy against
49 harassment and bullying and the responsibilities
50 set forth in the policy to the attention of members,

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1 officers, and employees of the general assembly.
2 The policy shall, at a minimum, include all of the
3 following components:
4 a. A statement declaring harassment and bullying to
5 be against state policy. The statement shall include
6 but not be limited to the following provisions:
7 (1) Members, officers, and employees of the general
8 assembly shall not engage in harassing and bullying
9 behavior in the general assembly, in the capitol
10 building and capitol grounds, or at any legislative
11 function or activity.
12 (2) Members, officers, and employees of the general
13 assembly shall not engage in reprisal, retaliation,
14 or false accusation against a victim, witness, or an
15 individual who has reliable information about such an
16 act of harassment or bullying.
17 b. A definition of harassment and bullying as set
18 forth in this section.
19 c. A description of the type of behavior expected
20 from members, officers, and employees of the general
21 assembly relative to prevention measures, reporting,
22 and investigation of harassment or bullying.
23 d. The consequences and appropriate remedial action
24 for a person who violates the antiharassment and
25 antibullying policy.
26 e. A procedure for reporting an act of harassment
27 or bullying, including the identification by job title
28 of the official responsible for ensuring that the
29 policy is implemented, and the identification of the
30 person or persons responsible for receiving reports of
31 harassment or bullying.
32 f. A procedure for the prompt investigation
33 of complaints, either identifying the individual
34 responsible for conducting the investigation, including
35 a statement that investigators will consider the
36 totality of circumstances presented in determining
37 whether conduct objectively constitutes harassment or
38 bullying under this section.
39 g. A statement of the manner in which the policy
40 will be publicized.
41 h. A procedure for documenting the actions taken
42 by the general assembly to investigate and respond to
43 harassment or bullying.
44 3. *Programs encouraged.* The legislative council is
45 encouraged to establish programs designed to eliminate
46 harassment and bullying in the general assembly. To
47 the extent that funds are available for these purposes,
48 the legislative council shall do the following:
49 a. Provide training on antiharassment and
50 antibullying policies to members, officers, and

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1 employees of the general assembly.
2 *b.* Develop a process to provide members, officers,
3 and employees of the general assembly with the skills
4 and knowledge to help reduce incidents of harassment
5 and bullying.
6 4. *Authority off capitol grounds.* The legislative
7 council may investigate and impose discipline or take
8 other action in the case of an alleged incident of
9 harassment or bullying, including cyberbullying, that
10 occurs outside of the general assembly, the capitol
11 building and capitol grounds, or any legislative
12 function or activity if all of the following apply:
13 *a.* A member, officer, or employee of the general
14 assembly or a constituent reports an incident of
15 harassment or bullying pursuant to the general
16 assembly's policy adopted under subsection 2, paragraph
17 "e".
18 *b.* The alleged incident of harassment or bullying
19 has an effect on the capitol grounds that creates an
20 objectively hostile environment that meets one or more
21 of the conditions set out under subsection 1, paragraph
22 "b".>
23 2. Title page, line 2, by striking <policies>
24 and inserting <policies, providing for a legislative
25 antiharassment and antibullying policy,>
26 3. By renumbering as necessary.

SCHULTZ of Crawford



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House File 2368

H-8068

- 1 Amend the amendment, H-8064, to House File 2368, as
2 follows:
3 1. Page 1, after line 10 by inserting:
4 <Sec. _____. Section 714G.1, subsection 3, Code 2014,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. d. A company that maintains a
7 database or file that consists of any of the following
8 information which is used for purposes unrelated to the
9 granting of credit:
10 (1) Criminal history information.
11 (2) Information relating to employment, rental
12 history, or a background check.>
13 2. Page 2, by striking line 43 and inserting <the
14 protected consumer, and proof of the identity of the
15 representative.>
16 3. Page 3, by striking line 39 and inserting
17 <consumer, proof of the identity of the representative,
18 and sufficient>
19 4. Page 4, line 31, after <Act> by inserting
20 <modifying security freeze provisions and>
21 5. By renumbering as necessary.

KLEIN of Washington



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House File 2361

H-8069

1 Amend House File 2361 as follows:
2 1. Page 23, after line 16 by inserting:
3 <Sec. _____. Section 315.3, subsection 1, Code 2014,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. *g.* Improving or maintaining highway
6 access to residential housing developments.
7 Sec. _____. Section 315.11, Code 2014, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 8. If the project provides access
10 to a residential housing development, the extent to
11 which the affected housing development supports the
12 growth of existing businesses and the attraction of new
13 businesses in the surrounding area.>
14 2. By renumbering as necessary.

THOMAS of Clayton



Iowa General Assembly
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House File 2409

H-8070

1 Amend House File 2409 as follows:
2 1. Page 1, after line 2 by inserting:
3 <Sec. _____. LEGISLATIVE FINDINGS AND
4 DECLARATION. The general assembly finds and declares
5 all of the following:
6 1. Article IX, 2nd, section 3, of the Constitution
7 of the State of Iowa states, in part:
8 The general assembly shall encourage, by all
9 suitable means, the promotion of intellectual,
10 scientific, moral, and agricultural improvement.
11 2. The leading moral precept for a civil society
12 has been expressed by various philosophies and
13 religions for millennia and is often called the
14 golden rule, as set forth in paragraphs "a" through
15 "g". The golden rule, with roots in a wide range
16 of world cultures, is well suited to be a standard
17 that different cultures can ascribe to in resolving
18 conflicts, and shall be displayed in all classrooms in
19 Iowa.
20 a. Confucianism, circa 557 BC, Analects 15:23:
21 What you do not want done to yourself, do not do to
22 others.
23 b. Buddhism, circa 560 BC, Udanavarga 5:18:
24 Hurt not others with that which pains yourself.
25 c. Judaism, circa 1300 BC, the Old Testament,
26 Leviticus 19:18:
27 Thou shalt Love thy neighbor as thyself.
28 d. Hinduism, circa 3200 BC, Hitopadesa:
29 One should always treat others as they themselves
30 wish to be treated.
31 e. Zoroastrianism, circa 600 BC, Shast-na-shayast
32 13:29:
33 Whatever is disagreeable to yourself, do not do unto
34 others.
35 f. Christianity, circa 30 AD, the King James Bible,
36 Matthew 7:12:
37 Whatsoever ye would that others should do to you, do
38 ye even so to them.
39 g. Islam, circa 570-632 AD, the Prophet Muhammad,
40 pbuh, Sahih Muslim:
41 None of you have faith until you love for your
42 neighbor what you love for yourself.>
43 2. By renumbering as necessary.

SHEETS of Appanoose

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HEARTSILL of Marion

SALMON of Black Hawk



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Senate Amendment to
House File 2067

H-8071

- 1 Amend House File 2067, as passed by the House, as
- 2 follows:
- 3 1. Page 1, after line 8 by inserting:
- 4 <Sec. _____. EFFECTIVE UPON ENACTMENT. This Act,
- 5 being deemed of immediate importance, takes effect upon
- 6 enactment.>
- 7 2. Title page, line 2, after <licenses> by
- 8 inserting <, and including effective date provisions>
- 9 3. By renumbering as necessary.

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Senate Amendment to
House File 2297

H-8072

- 1 Amend House File 2297, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 14, by striking <benefit> and
- 4 inserting <benefits>
- 5 2. Title page, line 1, by striking <benefit> and
- 6 inserting <benefits>

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House File 2380

H-8073

1 Amend House File 2380 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 237A.13, subsection 7,
5 paragraphs a and c, Code 2014, are amended to read as
6 follows:

7 a. Families with an income at or below one hundred
8 percent of the federal poverty level whose members ~~are~~
9 ~~employed~~, for at least twenty-eight hours per week in
10 the aggregate, are employed or are participating at a
11 satisfactory level in an approved training program or
12 educational program, and parents with a family income
13 at or below one hundred percent of the federal poverty
14 level who are under the age of twenty-one years and are
15 participating in an educational program leading to a
16 high school diploma or the equivalent.

17 c. Families with an income of more than one hundred
18 percent but not more than one hundred forty-five
19 percent of the federal poverty level whose members ~~are~~
20 ~~employed~~, for at least twenty-eight hours per week in
21 the aggregate, are employed or are participating at a
22 satisfactory level in an approved training program or
23 educational program.

24 Sec. 2. Section 237A.13, subsection 8, Code 2014,
25 is amended to read as follows:

26 8. Nothing in this section shall be construed
27 as or is intended as, or shall imply, a grant of
28 entitlement for services to persons who are eligible
29 for assistance due to an income level or other
30 eligibility circumstance addressed in this section.
31 Any state obligation to provide services pursuant to
32 this section is limited to the extent of the funds
33 appropriated for the purposes of state child care
34 assistance. The department shall not redetermine the
35 eligibility of a program participant more frequently
36 than every twelve months.

37 Sec. 3. STATE CHILD CARE ASSISTANCE APPLICATIONS —
38 MOBILE DEVICES.

39 1. The department of human services shall review
40 the application form and other elements of the process
41 used by applicants to apply for the state child care
42 assistance program. The purpose of the review is to
43 simplify the process by eliminating requirements to
44 provide unneeded or redundant information and improving
45 the wording of the application, and identifying other
46 options for improvement. The department shall report
47 the results of the review to the governor and general
48 assembly on or before December 1, 2014.

49 2. The department shall implement an application
50 process enhancement so that applicants for the state

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1 child care assistance program may apply for the program
2 using a mobile information technology device.
3 Sec. 4. IMPLEMENTATION. The department of human
4 services shall adopt rules and take other actions as
5 necessary to implement, as state child care assistance
6 program eligibility provisions, the amendments to
7 section 237A.13 in this Act, on July 1, 2014.>
8 2. Title page, line 1, by striking <providing for
9 a> and inserting <relating to the>
10 3. Title page, line 2, by striking <pilot project>
11 and inserting <and application provisions>

STUTSMAN of Johnson



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House File 2279

H-8074

- 1 Amend House File 2279 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 232.19, subsection 1, Code
4 2014, is amended by adding the following new paragraph:
5 NEW PARAGRAPH. e. By a peace officer pursuant to
6 section 664A.6.
7 Sec. ____. **NEW SECTION. 236.14 Initial appearance.**
8 Notwithstanding chapters 804 and 805, a person taken
9 into custody pursuant to section 236.11 or arrested
10 pursuant to section 236.12 may be released on bail or
11 otherwise only after an initial appearance before a
12 magistrate as provided in chapter 804 and the rules
13 of criminal procedure or section 236.11, whichever is
14 applicable.>
15 2. Page 3, line 1, after <magistrate> by inserting
16 <or juvenile court>
17 3. Page 3, line 9, by striking <Mandatory arrest>
18 and inserting <~~Mandatory arrest~~ Taking into custody>
19 4. Page 3, line 11, after <1.> by inserting <a.>
20 5. Page 3, after line 21 by inserting:
21 <b. If a peace officer has probable cause to
22 believe that a person under the age of eighteen has
23 violated a protective order, the peace officer may take
24 the person into custody and may take the person without
25 unnecessary delay before the nearest or most accessible
26 juvenile court in the judicial district in which the
27 person was taken into custody.>
28 6. Page 4, line 6, by striking <the initial
29 appearance> and inserting <the person is taken into
30 custody>
31 7. By renumbering as necessary.

HEARTSILL of Marion

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House File 2388

H-8075

- 1 Amend House File 2388 as follows:
2 1. Page 1, line 3, by striking <shall> and
3 inserting <is encouraged to>
4 2. Page 1, line 26, by striking <liaison> and
5 inserting <liaison, if the area education agency has
6 employed such a liaison>
7 3. Page 2, lines 2 and 3, by striking <two point on
8 a four-point scale> and inserting <passing grade>
9 4. Page 2, by striking lines 9 and 10 and inserting
10 <to section 279.68 shall be provided if appropriate.>

FRY of Clarke



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House File 2361

H-8076

- 1 Amend House File 2361 as follows:
- 2 1. Page 24, by striking lines 3 through 22.
- 3 2. By renumbering as necessary.

STUTSMAN of Johnson



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House File 2409

H-8077

- 1 Amend House File 2409 as follows:
2 1. Page 2, after line 11 by inserting:
3 <____. Review school district and school
4 antiharassment and antibullying policies to ensure that
5 such policies are effective and consistent with the
6 requirements of section 280.28.>
7 2. Page 2, line 17, by striking <training> and
8 inserting <a systemic, research-based training program>
9 3. Page 2, line 20, by striking <training> and
10 inserting <a systemic, research-based training program>
11 4. Page 3, after line 34 by inserting:
12 <NEW PARAGRAPH. _____. An appeal process for
13 students accused of violating the school district or
14 school antiharassment and antibullying policy whereby a
15 determination will be made whether an accused student
16 engaged in such a violation.
17 NEW PARAGRAPH. _____. A procedure for a school
18 counselor to be made available to meet the needs of all
19 students directly involved in a reported incident of
20 harassment or bullying.>
21 5. By renumbering, redesignating, and correcting
22 internal references as necessary.

WINCKLER of Scott



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House File 2409

H-8078

1 Amend House File 2409 as follows:
2 1. Page 4, by striking lines 19 through 28 and
3 inserting <official or designee may investigate and
4 respond appropriately to an ongoing alleged incident
5 of harassment or bullying, including cyberbullying,
6 that occurs outside of school, off of school property,
7 or away from a school function or school-sponsored
8 activity if the alleged incident of harassment or
9 bullying has an>

WOOD of Scott

HUNTER of Polk



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House File 2409

H-8079

1 Amend the amendment, H-8051, to House File 2409, as
2 follows:
3 1. Page 1, after line 9 by inserting:
4 <____. Page 4, after line 34 by inserting:
5 <Sec. _____. APPROPRIATIONS. There is appropriated
6 from the general fund of the state to the department
7 of education for the fiscal year beginning July 1,
8 2013, and ending June 30, 2014, the following amount,
9 or so much thereof as is necessary, to be used for the
10 purposes designated:
11 For carrying out the duties provided in section
12 256.100, as enacted in this Act, including salaries,
13 support, maintenance, and for not more than the
14 following full-time equivalent positions:
15 \$ 250,000
16 FTEs 3.00
17 From the moneys appropriated to the department,
18 \$150,000 shall be used to provide or facilitate the
19 provision of training required by section 272.2,
20 subsection 19, as enacted in this Act, at minimal cost
21 to the trainee.
22 Notwithstanding section 8.33, moneys appropriated in
23 this section that remain unencumbered or unobligated
24 at the close of the fiscal year shall not revert but
25 shall remain available for expenditure for the purposes
26 designated until the close of the succeeding fiscal
27 year.
28 Sec. _____. EFFECTIVE UPON ENACTMENT. The following
29 provision or provisions of this Act, being deemed of
30 immediate importance, take effect upon enactment:
31 1. The section of this Act enacting section
32 256.100.
33 2. The section of this Act making appropriations to
34 the department of education.>
35 _____. Title page, line 3, by striking <prevention>
36 and inserting <prevention, making an appropriation, and
37 including effective date provisions>>
38 2. By renumbering, redesignating, and correcting
39 internal references as necessary.

HUNTER of Polk

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House File 2409

H-8080

1 Amend House File 2409 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 135.11, subsection 30, Code
5 2014, is amended by striking the subsection.

6 Sec. 2. Section 256.2, Code 2014, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 2A. "*Harassment*" and "*bullying*"
9 mean the same as defined in section 280.28.

10 Sec. 3. Section 256.7, Code 2014, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 33. Adopt rules incorporating the
13 training required by section 272.2, subsection 19, into
14 the standards for school district or attendance center
15 teacher professional development plans in accordance
16 with section 284.6 and school district or attendance
17 center administrator professional development plans in
18 accordance with section 284A.6.

19 Sec. 4. Section 256.9, Code 2014, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 65. Submit to the general assembly
22 annually by January 1, a report on harassment and
23 bullying in schools in this state. The report shall
24 include harassment and bullying incidence data reported
25 by school districts and accredited nonpublic schools
26 pursuant to section 280.28, subsection 7, including the
27 number of founded and unfounded reports of harassment
28 or bullying per school district and accredited
29 nonpublic school; relevant response data from the
30 Iowa youth survey; outcome data for the school climate
31 improvement grant program established by section
32 256.101; and any recommendations relating to harassment
33 and bullying prevention in this state. The department
34 shall publish the report on the department's internet
35 site.

36 Sec. 5. NEW SECTION. 256.100 Office of support and
37 analysis for safe schools.

38 1. The office of support and analysis for safe
39 schools is established in the department to coordinate
40 and implement the state's efforts to prevent and
41 respond to harassment and bullying.

42 2. The office shall coordinate efforts between
43 state agencies and promote research-based best
44 practices for programming and training in the
45 prevention of and response to harassment and bullying.
46 The office may enter into chapter 28E agreements with
47 the board of educational examiners, department of human
48 rights, the civil rights commission, postsecondary
49 educational institutions, and other public agencies
50 for the joint employment of personnel to carry out its

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1 duties. The office shall coordinate with appropriate
2 stakeholders in carrying out its duties.
3 3. The office shall:
4 a. Assist schools in the implementation of section
5 280.28, using research-based best practices.
6 b. Develop or recommend qualified training programs
7 for training required by section 272.2, subsection 19.
8 c. Coordinate with area education agencies to
9 ensure that training required by section 272.2,
10 subsection 19, and appropriate mental health services
11 are available to every school in this state.
12 d. Provide assistance to school employees
13 responsible for conducting investigations of complaints
14 of incidents of harassment or bullying to ensure
15 compliance with section 280.28.
16 e. Administer the school climate improvement grant
17 program established by section 256.101.
18 f. Compare and analyze harassment and bullying
19 incidence data reported by school districts and
20 accredited nonpublic schools pursuant to section
21 280.28, subsection 7, and response data from the Iowa
22 youth survey. The office may use its analysis to
23 provide technical assistance to school districts or
24 schools to improve school learning environments and
25 school safety and to achieve compliance with section
26 280.28.
27 g. Coordinate with the department of public health
28 and other public and private agencies and organizations
29 in the administration of the your life Iowa initiative.
30 Contacts with the initiative relating to possible
31 harassment or bullying shall be shared with the office,
32 which shall assist the initiative in responding to such
33 contacts. The office shall maintain compliance with
34 applicable federal and state privacy laws to ensure
35 the confidentiality of information provided to the
36 initiative.
37 h. Collaborate with the department of public health
38 and other state agencies in the administration of the
39 Iowa youth survey to students in grades six, eight, and
40 eleven in Iowa's public and nonpublic schools. Survey
41 data shall be evaluated and reported, with aggregate
42 data available online at the Iowa youth survey internet
43 site.
44 Sec. 6. NEW SECTION. 256.101 School climate
45 improvement grant program.
46 1. A school climate improvement grant program is
47 established in the department to build upon previous
48 state efforts to promote school safety, including the
49 Iowa safe and supportive schools grant and program,
50 by providing funds to school districts and accredited

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1 nonpublic schools to maintain, improve, and promote
2 safe and supportive learning environments in this
3 state. The program shall be administered by the office
4 of support and analysis for safe schools established
5 by section 256.100.
6 2. The office shall award funds from the program to
7 schools on a competitive grant basis. Awards shall be
8 consistent with the following goals of the program:
9 a. To implement section 280.28, using
10 research-based best practices.
11 b. To assist schools to promote a climate of
12 greater productivity, safety, and learning.
13 c. To assist schools in the professional
14 development of staff in research-based school safety
15 programs and classroom management programs.
16 d. To assist schools in enhancing and coordinating
17 antiviolence efforts between schools, professional,
18 parental, governmental, law enforcement, and community
19 organizations and associations.
20 3. Grants from the program may be used to fund
21 school programs or activities including but not limited
22 to the following:
23 a. Research-based staff training or other efforts
24 to implement section 280.28.
25 b. Assessment of compliance with section 280.28.
26 c. Technical assistance for improved classroom
27 management.
28 d. Research-based school safety programs that
29 address risk factors to reduce incidents of problem
30 behaviors among students including antiharassment and
31 antibullying programs.
32 e. Mental health demonstration projects.
33 f. Safety and security training and resources that
34 enhance the overall safety and security of staff and
35 students.
36 4. The office shall give priority in grant awards
37 to the following applicants:
38 a. Applicants that have a disproportionate need
39 as identified by results in the Iowa youth survey
40 indicating a heightened incidence of severe behavior
41 that negatively impacts the culture and climate
42 conditions necessary for student learning.
43 b. Applicants that demonstrate that they are
44 addressing needs or gaps identified from their results
45 in the Iowa youth survey.
46 c. Applicants that provide a commitment of
47 additional funds from public or private sources for the
48 programs or activities for which a grant is sought.
49 5. The office shall pursue additional funding from
50 public and private sources to support the program.

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1 6. The department shall adopt rules to administer
2 the program, including but not limited to an
3 application process and grant award criteria.
4 Sec. 7. Section 272.1, Code 2014, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 4A. "Harassment" and "bullying"
7 mean the same as defined in section 280.28.
8 Sec. 8. Section 272.2, Code 2014, is amended by
9 adding the following new subsection:
10 NEW SUBSECTION. 19. a. Adopt rules requiring all
11 teachers who have regular and substantial contact with
12 students to complete training approved by the office of
13 support and analysis for safe schools established by
14 section 256.100, on harassment and bullying prevention
15 and response as part of their professional development
16 and training plans.
17 b. Adopt rules requiring all individuals applying
18 for or renewing a license, certificate, authorization,
19 or statement of recognition issued by the board who are
20 responsible for conducting investigations of complaints
21 of incidents of harassment or bullying to complete
22 training approved by the office of support and analysis
23 for safe schools established by section 256.100, on
24 the provisions of section 280.28, conducting impartial
25 investigations with transparency, collecting evidence,
26 following up on previous investigations, and reporting
27 founded and unfounded incidents of harassment and
28 bullying to the department.
29 c. Adopt rules requiring all individuals applying
30 for or renewing an administrator license to complete
31 training approved by the office of support and analysis
32 for safe schools established by section 256.100, on
33 implementation of school-wide policies and procedures
34 for harassment and bullying identification, reporting,
35 response, and prevention.
36 Sec. 9. Section 280.28, subsection 2, paragraph a,
37 Code 2014, is amended to read as follows:
38 a. "Electronic" means any communication involving
39 the transmission of information by wire, radio,
40 optical cable, electromagnetic, or other similar
41 means. "Electronic" includes but is not limited to
42 communication via electronic mail, internet-based
43 communications including social networking sites
44 and applications, pager service, cell phones, and
45 electronic text messaging, or any other electronic
46 communication site, device, or means.
47 Sec. 10. Section 280.28, subsection 3, Code 2014,
48 is amended by adding the following new paragraph:
49 NEW PARAGRAPH. h. A procedure for documenting the
50 actions taken by the school to investigate and respond

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1 to harassment or bullying.
2 Sec. 11. Section 280.28, subsection 7, Code 2014,
3 is amended to read as follows:
4 7. *Integration of policy and reporting.* The board
5 of directors of a school district and the authorities
6 in charge of each nonpublic school shall integrate
7 its antiharassment and antibullying policy into
8 the comprehensive school improvement plan required
9 under section 256.7, subsection 21, and shall report
10 ~~data collected under subsection 6, as specified by~~
11 the following to the department, to and the local
12 community:
13 a. Data collected under subsection 6, as specified
14 by the department.
15 b. The process used for filing complaints,
16 including the location of online or other complaint
17 forms.
18 c. The number of school employees and volunteers
19 who have completed antiharassment and antibullying
20 training.
21 Sec. 12. Section 280.28, Code 2014, is amended by
22 adding the following new subsections:
23 NEW SUBSECTION. 9. *Parental notification.*
24 a. Each school district and accredited nonpublic
25 school shall establish notification procedures for
26 incidents of harassment or bullying in accordance
27 with this subsection. The procedures shall include
28 notification of the custodial parent or guardian of any
29 student directly involved in any incident of harassment
30 or bullying, upon investigation and determination that
31 harassment or bullying has occurred, consistent with a
32 notification plan made in consultation with the student
33 and school guidance staff. The notification shall
34 include information on the action that school officials
35 have taken regarding the incident and the actions
36 school officials will take to prevent further acts
37 of harassment or bullying. If such notification is
38 delayed, the school district or school shall document
39 the reasons for the delay. This paragraph does not
40 prohibit a school official from contacting a parent
41 or guardian about a report of harassment or bullying
42 prior to a determination that harassment or bullying
43 has occurred.
44 b. The requirements of this subsection shall
45 not apply if a school official reasonably believes
46 notification would subject a student to abuse, neglect,
47 or other physical or mental harm.
48 c. Notification pursuant to this subsection
49 shall comply with state and federal privacy laws,
50 regulations, and rules.

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1 NEW SUBSECTION. 10. *Authority off school*
2 *grounds.* A school official may investigate and respond
3 appropriately to an alleged incident of harassment
4 or bullying, including cyberbullying, that occurs
5 outside of school, off of school property, or away
6 from a school function or school-sponsored activity if
7 the alleged incident of harassment or bullying has an
8 effect on school grounds that creates an objectively
9 hostile school environment and that meets one or more
10 of the conditions set out under subsection 2, paragraph
11 "b".

12 NEW SUBSECTION. 11. *Rulemaking authority.* The
13 department of education may adopt rules necessary to
14 administer this section in a uniform way across the
15 state.

16 Sec. 13. APPROPRIATIONS. There is appropriated
17 from the general fund of the state to the department of
18 education for the fiscal year beginning July 1, 2013,
19 and ending June 30, 2014, the following amounts, or
20 so much thereof as is necessary, to be used for the
21 purposes designated:

22 For the establishment and administration of the
23 office of support and analysis for safe schools,
24 for carrying out the duties of the office, including
25 salaries, support, maintenance, and for not more than
26 the following full-time equivalent positions:
27 \$ 250,000
28 FTEs 3.00

29 For the provision of grants from the school climate
30 improvement grant program established in section
31 256.101:

32 \$ 750,000

33 From the moneys appropriated to the office of
34 support and analysis for safe schools, \$150,000 shall
35 be used to provide or facilitate the provision of
36 training required by section 272.2, subsection 19, at
37 minimal cost to the trainee.

38 Notwithstanding section 8.33, moneys appropriated in
39 this section that remain unencumbered or unobligated
40 at the close of the fiscal year shall not revert but
41 shall remain available for expenditure for the purposes
42 designated until the close of the succeeding fiscal
43 year.

44 Sec. 14. EFFECTIVE UPON ENACTMENT. The following
45 provision or provisions of this Act, being deemed of
46 immediate importance, take effect upon enactment:

47 1. The section of this Act enacting section
48 256.100.

49 2. The section of this Act enacting section
50 256.101.

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1 3. The section of this Act making appropriations to
2 the department of education.>
3 2. Title page, by striking lines 1 through
4 3 and inserting <An Act relating to state and
5 school antiharassment and antibullying policies,
6 establishing an office of support and analysis
7 for safe schools, establishing a school climate
8 improvement grant program, providing for training
9 on harassment and bullying prevention and response,
10 making appropriations, and including effective date
11 provisions.>

STECKMAN of Cerro Gordo



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House File 2429

H-8081

- 1 Amend House File 2429 as follows:
- 2 1. Page 5, line 4, after ~~<and,>~~ by inserting
- 3 <scheduled court appearances, job interviews,>

WOLFE of Clinton



Iowa General Assembly
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House File 2409

H-8082

1 Amend House File 2409 as follows:

2 1. Page 2, line 18, by striking <response> and
3 inserting <response, to the extent such training is
4 made available by the state of Iowa at no charge to
5 trainees, schools, or school districts>

6 2. Page 2, line 25, by striking <bullying> and
7 inserting <bullying, to the extent such training is
8 made available by the state of Iowa at no charge to
9 trainees, schools, or school districts>

10 3. Page 3, after line 34 by inserting:

11 <Sec. _____. Section 280.28, subsection 5, Code 2014,
12 is amended to read as follows:

13 5. *Immunity. a.* A school employee, volunteer,
14 or student, or a student's parent or guardian who
15 promptly, reasonably, and in good faith reports an
16 incident of harassment or bullying, in compliance with
17 the procedures in the policy adopted pursuant to this
18 section, to the appropriate school official designated
19 by the school district or accredited nonpublic school,
20 shall be immune from civil or criminal liability
21 relating to such report and to participation in any
22 administrative or judicial proceeding resulting from
23 or relating to the report.

24 *b.* A school employee who reasonably and in good
25 faith determines not to investigate or take further
26 action regarding a report of an alleged incident of
27 harassment or bullying that occurred outside of school,
28 off of school property, or away from a school function
29 or school-sponsored activity shall be immune from civil
30 or criminal liability relating to such determination.>

31 4. By renumbering as necessary.

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House File 2431 - Introduced

HOUSE FILE 2431
BY HEARTSILL

A BILL FOR

1 An Act relating to the individual income tax checkoff for the
2 Iowa election campaign fund by providing for the future
3 repeal of the tax checkoff and the Iowa election campaign
4 fund, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2431

1 DIVISION I
2 IOWA ELECTION CAMPAIGN FUND TAX CHECKOFF
3 Section 1. Section 68A.601, Code 2014, is amended to read
4 as follows:
5 **68A.601 Checkoff — income tax.**
6 A For tax years beginning before January 1, 2014, a person
7 whose state income tax liability for any taxable year is one
8 dollar and fifty cents or more may direct that one dollar and
9 fifty cents of that liability be paid over to the Iowa election
10 campaign fund when submitting the person's state income tax
11 return to the department of revenue. In the case of a joint
12 return of husband and wife having a state income tax liability
13 of three dollars or more, each spouse may direct that one
14 dollar and fifty cents be paid to the fund. The For tax years
15 beginning before January 1, 2014, the director of revenue shall
16 draft the income tax form to provide spaces on the tax return
17 which the taxpayer may use to designate that contributions made
18 under this section be credited to a specified political party
19 as defined by section 43.2, or to the Iowa election campaign
20 fund as a contribution to be shared by all such political
21 parties in the manner prescribed by section 68A.602. The form
22 shall inform the taxpayer of the consequences of the choices
23 provided under this section, but this information may be
24 contained in a footnote or other suitable form if the director
25 of revenue finds it is not feasible to place the information
26 immediately above the signature line. The action taken by a
27 person for the checkoff is irrevocable.
28 Sec. 2. Section 422.12J, Code 2014, is amended to read as
29 follows:
30 **422.12J Income tax checkoff for Iowa election campaign fund.**
31 A For tax years beginning before January 1, 2014, a person
32 who files an individual or a joint income tax return with
33 the department of revenue under section 422.13 may designate
34 a contribution to the Iowa election campaign fund authorized
35 pursuant to section 68A.601.



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1 DIVISION II
2 FUTURE REPEAL
3 Sec. 3. Section 68A.103, subsection 2, Code 2014, is amended
4 by striking the subsection.
5 Sec. 4. Section 97B.3, subsection 2, Code 2014, is amended
6 to read as follows:
7 2. The qualifications for appointment as the chief
8 executive officer shall include management-level pension
9 fund administration experience. The qualifications for
10 appointment as the chief executive officer shall also
11 include a demonstrated knowledge of all aspects of pension
12 fund administration, including financial management,
13 investment asset management, benefit design and delivery,
14 legal administration, and operations administration. The
15 chief executive officer shall not be selected on the basis
16 of political affiliation, and while employed as the chief
17 executive officer, shall not be a member of a political
18 committee, participate in a political campaign, or be a
19 candidate for a partisan elective office, and shall not
20 contribute to a political campaign fund, except that the chief
21 executive officer may designate on the checkoff portion of the
22 ~~state or federal income tax return, or both,~~ a party or parties
23 to which a contribution is made pursuant to the checkoff. The
24 chief executive officer shall not hold any other office under
25 the laws of the United States or of this or any state and shall
26 devote full time to the duties of office.
27 Sec. 5. Section 422.12D, subsection 4, Code 2014, is amended
28 to read as follows:
29 4. The department shall adopt rules to implement this
30 section. However, before a checkoff pursuant to this section
31 shall be permitted, all liabilities on the books of the
32 department of administrative services and accounts identified
33 as owing under section 8A.504 ~~and the political contribution~~
34 ~~allowed under section 68A.601~~ shall be satisfied.
35 Sec. 6. Section 422.12E, subsection 1, Code 2014, is amended



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1 to read as follows:

2 1. For tax years beginning on or after January 1, 2004,
3 there shall be allowed no more than four income tax return
4 checkoffs on each income tax return. When the same four income
5 tax return checkoffs have been provided on the income tax
6 return for two consecutive years, the two checkoffs for which
7 the least amount has been contributed, in the aggregate for the
8 first tax year and through March 15 of the second tax year, are
9 repealed. ~~This section does not apply to the income tax return~~
10 ~~checkoff provided in section 68A.601.~~

11 Sec. 7. Section 422.12K, subsection 2, Code 2014, is amended
12 to read as follows:

13 2. The director of revenue shall draft the income tax form
14 to allow the designation of contributions to the child abuse
15 prevention program fund on the tax return. The department of
16 revenue, on or before January 31, shall transfer the total
17 amount designated on the tax return forms due in the preceding
18 calendar year to the child abuse prevention program fund.
19 However, before a checkoff pursuant to this section shall be
20 permitted, all liabilities on the books of the department of
21 administrative services and accounts identified as owing under
22 section 8A.504 ~~and the political contribution allowed under~~
23 ~~section 68A.601~~ shall be satisfied.

24 Sec. 8. Section 422.12L, subsection 2, Code 2014, is amended
25 to read as follows:

26 2. The director of revenue shall draft the income tax form
27 to allow the designation of contributions to the veterans trust
28 fund and to the volunteer fire fighter preparedness fund as
29 one checkoff on the tax return. The department of revenue,
30 on or before January 31, shall transfer one-half of the total
31 amount designated on the tax return forms due in the preceding
32 calendar year to the veterans trust fund and the remaining
33 one-half to the volunteer fire fighter preparedness fund.
34 However, before a checkoff pursuant to this section shall be
35 permitted, all liabilities on the books of the department of

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1 administrative services and accounts identified as owing under
2 section 8A.504 ~~and the political contribution allowed under~~
3 ~~section 68A.601~~ shall be satisfied.

4 Sec. 9. Section 456A.16, unnumbered paragraph 7, Code 2014,
5 is amended to read as follows:

6 The department shall adopt rules to implement this section.
7 However, before a checkoff pursuant to this section shall be
8 permitted, all liabilities on the books of the department of
9 administrative services and accounts identified as owing under
10 section 8A.504 ~~and the political contribution allowed under~~
11 ~~section 68A.601~~ shall be satisfied.

12 Sec. 10. Section 474.10, Code 2014, is amended to read as
13 follows:

14 **474.10 General counsel.**

15 The board shall employ a competent attorney to serve as its
16 general counsel, and assistants to the general counsel as it
17 finds necessary for the full and efficient discharge of its
18 duties. The general counsel is the attorney for, and legal
19 advisor of, the board and is exempt from the merit system
20 provisions of chapter 8A, subchapter IV. Assistants to the
21 general counsel are subject to the merit system provisions of
22 chapter 8A, subchapter IV. The general counsel or an assistant
23 to the general counsel shall provide the necessary legal advice
24 to the board in all matters and represent the board in all
25 actions instituted in a state or federal court challenging
26 the validity of a rule or order of the board. The existence
27 of a fact which disqualifies a person from election or from
28 acting as a utilities board member disqualifies the person from
29 employment as general counsel or assistant general counsel.
30 The general counsel shall devote full time to the duties of the
31 office. During employment the counsel shall not be a member of
32 a political committee, contribute to a political campaign fund
33 other than through the income tax checkoff for contributions to
34 ~~the Iowa election campaign fund and the presidential election~~
35 campaign fund, participate in a political campaign, or be a

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1 candidate for a political office.

2 Sec. 11. Section 475A.1, subsection 4, Code 2014, is amended
3 to read as follows:

4 4. *Political activity prohibited.* The consumer advocate
5 shall devote the advocate's entire time to the duties of the
6 office; and during the advocate's term of office the advocate
7 shall not be a member of a political committee or contribute
8 to a political campaign fund other than through the income tax
9 checkoff for contributions to ~~the Iowa election campaign fund~~
10 ~~and~~ the presidential election campaign fund or take part in
11 political campaigns or be a candidate for a political office.

12 Sec. 12. Section 904.107, Code 2014, is amended to read as
13 follows:

14 **904.107 Director — appointment and qualifications.**

15 The chief administrative officer for the department is the
16 director. The director shall be appointed by the governor
17 subject to confirmation by the senate and shall serve at the
18 pleasure of the governor. The director shall be qualified
19 in reformatory and prison management, knowledgeable in
20 community-based corrections, and shall possess administrative
21 ability. The director shall also have experience in the field
22 of criminology and discipline and in the supervision of inmates
23 in corrective penal institutions. The director shall not be
24 selected on the basis of political affiliation, and while
25 employed as the director, shall not be a member of a political
26 committee, participate in a political campaign, be a candidate
27 for a partisan elective office, and shall not contribute to a
28 political campaign fund, except that the director may designate
29 on the checkoff portion of the ~~state or~~ federal income tax
30 return, ~~or both~~, a party or parties to which a contribution is
31 made pursuant to the checkoff. The director shall not hold any
32 other office under the laws of the United States or of this or
33 any state or hold any position for profit and shall devote full
34 time to the duties of office.

35 Sec. 13. REPEAL. Sections 68A.601, 68A.602, 68A.603,



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1 68A.604, 68A.605, 68A.606, 68A.607, 68A.608, 68A.609, and
2 422.12J, Code 2014, are repealed.

3 Sec. 14. EFFECTIVE DATE. This division of this Act takes
4 effect July 1, 2015.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill relates to the Iowa election campaign income tax
9 checkoff and the Iowa election campaign fund.

10 CURRENT LAW. The Iowa election campaign tax checkoff allows
11 individuals to designate on their income tax return up to \$1.50
12 of their state tax liability to the Iowa election campaign
13 fund. The checkoff is not subject to the provisions of Code
14 section 422.12E that limit to four the number of checkoffs
15 that may appear on an income tax return and that automatically
16 repeal certain checkoffs that receive the least amount of
17 contributions.

18 Moneys in the Iowa election campaign fund, consisting of
19 a separate fund for each political party, are disbursed to
20 candidates for partisan public office at the request of the
21 candidate and at the discretion of the state central committee
22 of each political party. The Iowa ethics and campaign
23 disclosure board is responsible for administering the Iowa
24 election campaign fund. Any moneys not used by the political
25 parties by the end of a general election year revert to the
26 general fund of the state.

27 DIVISION I — IOWA ELECTION CAMPAIGN TAX CHECKOFF. Division
28 I of the bill restricts the Iowa election campaign income tax
29 checkoff to tax years beginning before January 1, 2014. The
30 checkoff will not be available on the individual income tax
31 return for tax year 2014, nor any tax year thereafter.

32 DIVISION II — FUTURE REPEAL. Division II of the bill
33 provides that the Iowa election campaign income tax checkoff
34 and the Iowa election campaign fund are repealed effective July
35 1, 2015.



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House File 2432 - Introduced

HOUSE FILE 2432
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2143)
(SUCCESSOR TO HSB 513)

A BILL FOR

1 An Act relating to permits to acquire and members of the armed
2 forces of the United States or this state serving on active
3 duty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 724.15, subsection 2, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *f.* The person is a member of the armed
4 forces of the United States or this state serving on federal
5 active duty, state active duty, or national guard duty, as
6 defined in section 29A.1. For purposes of this paragraph, a
7 United States department of defense common access card issued
8 to a person identified in this paragraph is satisfactory
9 evidence of the person's current military service.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 Under current law, a person who desires to acquire ownership
14 of any pistol or revolver is required to first obtain an annual
15 permit to acquire (purchase) and the person must meet certain
16 requirements and pay an annual fee. A person may be exempt
17 from this requirement if the person transferring the pistol
18 or revolver and the person acquiring the pistol or revolver
19 are licensed federal firearms dealers; the pistol or revolver
20 acquired is an antique firearm, a collector's item, a device
21 which is not designed or redesigned for use as a weapon,
22 a device which is designed solely for use as a signaling,
23 pyrotechnic, line-throwing, safety, or similar device, or a
24 firearm which is unserviceable by reason of being unable to
25 discharge a shot by means of an explosive and is incapable
26 of being readily restored to a firing condition; the person
27 acquiring the pistol or revolver is authorized to do so on
28 behalf of a law enforcement agency; transfers between certain
29 close relatives unless the person transferring the pistol
30 or revolver knows that the person acquiring the pistol or
31 revolver in this situation would otherwise be disqualified from
32 receiving a permit to acquire; or the person has obtained a
33 valid permit to carry weapons.

34 This bill adds a person who is a member of the armed forces
35 of the United States or this state serving on federal active

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1 duty, state active duty, or national guard duty to this list of
2 exemptions. The bill provides that a United States department
3 of defense common access card issued to a person identified
4 in the bill is satisfactory evidence of the person's current
5 military status.



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House File 2433 - Introduced

HOUSE FILE 2433
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 629)

A BILL FOR

1 An Act relating to pharmacy benefits management and the use,
2 sharing, selling, rental, leasing, and dissemination of a
3 covered individual's health information.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 510B.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. "Marketing" means communication
4 about a product or service that encourages a recipient of the
5 communication to purchase or use the product or service.

6 Sec. 2. Section 510B.5, Code 2014, is amended to read as
7 follows:

8 510B.5 Contacting covered individual — using, sharing,
9 selling, rental, leasing, and dissemination of covered
10 individual's health information — requirements — prohibitions.

11 1. A pharmacy benefits manager, unless authorized pursuant
12 to the terms of its contract with a covered entity and then
13 only for health or safety reasons, shall not contact any
14 covered individual without the express written permission of
15 the covered entity and the covered individual.

16 2. A pharmacy benefits manager shall not do any of the
17 following:

18 a. Use a covered individual's health information or share
19 a covered individual's health information with any pharmacy
20 affiliated with or owned, wholly or in part, by the pharmacy
21 benefits manager for any purpose including marketing, unless
22 all of the following conditions are met:

23 (1) Use of the covered individual's health information is
24 medically necessary for the health and safety of the covered
25 individual.

26 (2) Use of the covered individual's health information
27 is consistent with regulations promulgated by the centers
28 for Medicare and Medicaid services of the United States
29 department of health and human services, if such regulations
30 are applicable to the covered entity and covered individual.

31 (3) The covered individual provides express written
32 permission for such use of the information.

33 b. Sell, rent, lease, or disseminate a covered individual's
34 health information unless the sale, rental, leasing, or
35 dissemination complies with all applicable federal and

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1 state laws and the pharmacy benefits manager has received
2 express written permission for such sale, rental, leasing,
3 or dissemination from the covered entity and the covered
4 individual. A pharmacy benefits manager shall provide each
5 covered individual with an opportunity to affirmatively provide
6 express written permission for the sale, rental, leasing, or
7 dissemination of the covered individual's health information
8 prior to entering into any arrangement for the sale, rental,
9 leasing, or dissemination of such information to any other
10 entity or to any subsidiary owned, wholly or in part, by the
11 pharmacy benefits manager.

12 3. This section shall not be interpreted to prohibit the
13 use of a covered individual's health information in conjunction
14 with a covered entity's program to more effectively use
15 prescription drugs to improve the health and safety of the
16 covered individual.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to pharmacy benefits management.

21 The bill amends provisions relating to the contacting of
22 covered individuals to include provisions relating to the
23 sharing of health information and marketing practices.

24 Currently, a pharmacy benefits manager is prohibited from
25 contacting a covered individual, unless authorized pursuant to
26 the terms of its contract with a covered entity, without the
27 express written permission of the covered entity. The bill
28 provides that in addition to these limitations, the pharmacy
29 benefits manager may only contact the covered individual for
30 health or safety reasons and only with the express written
31 permission of the covered individual.

32 The bill prohibits a pharmacy benefits manager from using a
33 covered individual's health information or sharing a covered
34 individual's health information with any pharmacy affiliated
35 with or owned, wholly or in part, by the pharmacy benefits

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1 manager for any purpose, including marketing, unless use of
2 the covered individual's health information is medically
3 necessary for the health and safety of the covered individual;
4 is consistent with regulations promulgated by the centers
5 for Medicare and Medicaid services of the United States
6 department of health and human services, if such regulations
7 are applicable to the covered entity and covered individual;
8 and if the covered individual has provided express written
9 permission for such use of the information.

10 With regard to the selling, rental, leasing, or
11 dissemination of a covered individual's health information,
12 the bill prohibits a pharmacy benefits manager from selling,
13 renting, leasing, or disseminating such information unless
14 the sale, rental, leasing, or dissemination complies with all
15 applicable federal and state laws and the pharmacy benefits
16 manager has received express written permission for such sale,
17 rental, leasing, or dissemination from the covered entity
18 and the individual. A pharmacy benefits manager is required
19 to provide each covered individual with an opportunity to
20 affirmatively provide express written permission for the sale,
21 rental, leasing, or dissemination of the covered individual's
22 health information prior to the pharmacy benefits manager
23 entering into any arrangement for the sale, rental, leasing, or
24 dissemination of such information to any other entity or to any
25 subsidiary owned, wholly or in part, by the pharmacy benefits
26 manager.

27 The bill is not to be interpreted to prohibit the use of
28 a covered individual's health information in conjunction
29 with a covered entity's program to more effectively use
30 prescription drugs to improve the health and safety of the
31 covered individual.



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House File 2434 - Introduced

HOUSE FILE 2434
BY KAJTAZOVIC

A BILL FOR

1 An Act relating to the definition of a qualified veteran
2 for the classification of certain veterans as residents
3 for purposes of community college and regents institution
4 tuition and mandatory fees.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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aw/sc



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1 Section 1. Section 260C.14, subsection 14, paragraph b,
2 subparagraph (2), subparagraph division (c), Code 2014, is
3 amended to read as follows:

4 (c) "*Qualified veteran*" means a person who ~~meets the~~
5 ~~following requirements:~~ is

6 ~~(i) Is~~ eligible for benefits, or has exhausted the benefits,
7 under the federal Post-9/11 Veterans Educational Assistance Act
8 of 2008.

9 ~~(ii) Is domiciled in this state, or has resided in this~~
10 ~~state for at least one year or sufficient time to have filed an~~
11 ~~Iowa tax return in the preceding twelve months.~~

12 Sec. 2. Section 262.9, subsection 17, paragraph b,
13 subparagraph (2), subparagraph division (c), Code 2014, is
14 amended to read as follows:

15 (c) "*Qualified veteran*" means a person who ~~meets the~~
16 ~~following requirements:~~ is

17 ~~(i) Is~~ eligible for benefits, or has exhausted the benefits,
18 under the federal Post-9/11 Veterans Educational Assistance Act
19 of 2008.

20 ~~(ii) Is domiciled in this state, or has resided in this~~
21 ~~state for at least one year or sufficient time to have filed an~~
22 ~~Iowa tax return in the preceding twelve months.~~

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill changes the definition of a qualified veteran
27 for the classification of certain veterans as residents for
28 purposes of community college and regents institution tuition
29 and mandatory fees. The bill removes provisions in current
30 Code that require that a person seeking such classification be
31 domiciled in this state, or have resided in this state for at
32 least one year or sufficient time to have filed an Iowa tax
33 return in the preceding 12 months.

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House File 2435 - Introduced

HOUSE FILE 2435
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 644)

A BILL FOR

1 An Act relating to taxation by updating the Code references
2 to the Internal Revenue Code, providing for the repeal of
3 the generation skipping transfer tax and Iowa estate tax,
4 and including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 INTERNAL REVENUE CODE REFERENCES
3 Section 1. Section 15.335, subsection 7, paragraph b, Code
4 2014, is amended to read as follows:
5 *b.* For purposes of this section, "*Internal Revenue Code*"
6 means the Internal Revenue Code in effect on January 1, 2013,
7 ~~and as amended by the American Taxpayer Relief Act of 2012,~~
8 ~~Pub. L. No. 112-240~~ 2014.
9 Sec. 2. Section 422.3, subsection 5, Code 2014, is amended
10 to read as follows:
11 5. "*Internal Revenue Code*" means the Internal Revenue Code
12 of 1954, prior to the date of its redesignation as the Internal
13 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
14 the Internal Revenue Code of 1986 as amended to and including
15 January 1, 2013, ~~and as amended by the American Taxpayer Relief~~
16 ~~Act of 2012, Pub. L. No. 112-240~~ 2014.
17 Sec. 3. Section 422.10, subsection 3, paragraph b, Code
18 2014, is amended to read as follows:
19 *b.* For purposes of this section, "*Internal Revenue Code*"
20 means the Internal Revenue Code in effect on January 1, 2013,
21 ~~and as amended by the American Taxpayer Relief Act of 2012,~~
22 ~~Pub. L. No. 112-240~~ 2014.
23 Sec. 4. Section 422.32, subsection 1, paragraph g, Code
24 2014, is amended to read as follows:
25 *g.* "*Internal Revenue Code*" means the Internal Revenue Code
26 of 1954, prior to the date of its redesignation as the Internal
27 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
28 the Internal Revenue Code of 1986 as amended to and including
29 January 1, 2013, ~~and as amended by the American Taxpayer Relief~~
30 ~~Act of 2012, Pub. L. No. 112-240~~ 2014.
31 Sec. 5. Section 422.33, subsection 5, paragraph e,
32 subparagraph (2), Code 2014, is amended to read as follows:
33 (2) For purposes of this subsection, "*Internal Revenue Code*"
34 means the Internal Revenue Code in effect on January 1, 2013,
35 ~~and as amended by the American Taxpayer Relief Act of 2012,~~

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1 ~~Pub. L. No. 112-240~~ 2014.

2 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
3 Act, being deemed of immediate importance, takes effect upon
4 enactment.

5 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
6 Act applies retroactively to January 1, 2013, for tax years
7 beginning on or after that date.

8 DIVISION II

9 REPEAL OF GENERATION SKIPPING TRANSFER TAX AND IOWA ESTATE TAX

10 Sec. 8. Section 12.71, subsection 8, Code 2014, is amended
11 to read as follows:

12 8. Bonds issued under the provisions of this section are
13 declared to be issued for a general public and governmental
14 purpose and all bonds issued under this section shall be exempt
15 from taxation by the state of Iowa and the interest on the
16 bonds shall be exempt from the state income tax and the state
17 inheritance ~~and estate~~ tax.

18 Sec. 9. Section 12.80, subsection 3, Code 2014, is amended
19 to read as follows:

20 3. Bonds issued under this section are declared to be issued
21 for an essential public and governmental purpose and all bonds
22 issued under this section shall be exempt from taxation by the
23 state of Iowa and the interest on the bonds shall be exempt
24 from the state income tax and the state inheritance ~~and estate~~
25 tax.

26 Sec. 10. Section 12.81, subsection 8, Code 2014, is amended
27 to read as follows:

28 8. Bonds issued under the provisions of this section are
29 declared to be issued for a general public and governmental
30 purpose and all bonds issued under this section shall be exempt
31 from taxation by the state of Iowa and the interest on the
32 bonds shall be exempt from the state income tax and the state
33 inheritance ~~and estate~~ tax.

34 Sec. 11. Section 12.87, subsection 8, Code 2014, is amended
35 to read as follows:

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1 8. Any bonds issued and sold under the provisions of this
2 section are declared to be issued and sold for an essential
3 public and governmental purpose, and all bonds issued and sold
4 under this section except as otherwise provided in any trust
5 indentures, resolutions, or other instruments authorizing their
6 issuance shall be exempt from taxation by the state of Iowa and
7 the interest on the bonds shall be exempt from the state income
8 tax and the state inheritance ~~and-estate~~ tax.

9 Sec. 12. Section 12.91, subsection 9, Code 2014, is amended
10 to read as follows:

11 9. Bonds issued under the provisions of this section are
12 declared to be issued for a general public and governmental
13 purpose and all bonds issued under this section shall be exempt
14 from taxation by the state of Iowa and the interest on the
15 bonds shall be exempt from the state income tax and the state
16 inheritance ~~and-estate~~ tax.

17 Sec. 13. Section 16.177, subsection 8, Code 2014, is amended
18 to read as follows:

19 8. Bonds issued under this section are declared to be issued
20 for an essential public and governmental purpose and all bonds
21 issued under this section shall be exempt from taxation by the
22 state of Iowa and the interest on the bonds shall be exempt
23 from the state income tax and the state inheritance ~~and-estate~~
24 tax.

25 Sec. 14. Section 321.47, subsection 2, Code 2014, is amended
26 to read as follows:

27 2. The persons entitled under the laws of descent and
28 distribution of an intestate's property to the possession
29 and ownership of a vehicle owned in whole or in part by a
30 decedent, upon filing an affidavit stating the name and date of
31 death of the decedent, the right to possession and ownership
32 of the persons filing the affidavit, and that there has been
33 no administration of the decedent's estate, which instrument
34 shall also contain an agreement to indemnify creditors of
35 the decedent who would be entitled to levy execution upon



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1 the motor vehicle to the extent of the value of the motor
2 vehicle, are entitled upon fulfilling the other requirements of
3 this chapter, to the issuance of a registration card for the
4 interest of the decedent in the vehicle and a certificate of
5 title to it. If a decedent dies testate, and either the will is
6 not probated or is admitted to probate without administration,
7 the persons entitled to the possession and ownership of a
8 vehicle owned in whole or in part by the decedent may file
9 an affidavit and, upon fulfilling the other requirements of
10 this chapter, are entitled to the issuance of a registration
11 card for the interest of the decedent in the vehicle and a
12 certificate of title to the vehicle. The affidavit shall
13 contain the same information and indemnity agreement as is
14 required in cases of intestacy pursuant to this section. A
15 requirement of chapter 450 ~~or 451~~ shall not be considered
16 satisfied by the filing of the affidavit provided for in this
17 section. If, from the records in the office of the county
18 treasurer, there appear to be any liens on the vehicle, the
19 certificate of title shall contain a statement of the liens
20 unless the application is accompanied by proper evidence of
21 their satisfaction or extinction. Evidence of extinction
22 may consist of, but is not limited to, an affidavit of the
23 applicant stating that a security interest was foreclosed as
24 provided in chapter 554, article 9, part 6. The department
25 shall waive the certificate of title fee and surcharge required
26 under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and
27 321.52A if the person entitled to possession and ownership of
28 a vehicle, as provided in this subsection, is the surviving
29 spouse of a decedent.

30 Sec. 15. Section 421.60, subsection 2, paragraph c,
31 subparagraph (1), Code 2014, is amended to read as follows:

32 (1) If the notice of assessment or denial of a claim for
33 refund relates to a tax return filed pursuant to section 422.14
34 or chapter 450, ~~450A, or 451~~, by the taxpayer which designates
35 an individual as an authorized representative of the taxpayer



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1 with respect to that return, or if a power of attorney has been
2 filed with the department by the taxpayer which designates an
3 individual as an authorized representative of the taxpayer with
4 respect to any tax that is included in the notice of assessment
5 or denial of a claim for refund, a copy of the notice together
6 with any additional information required to be sent to the
7 taxpayer shall be sent to the authorized representative as
8 well.

9 Sec. 16. Section 450.7, subsection 2, unnumbered paragraph
10 1, Code 2014, is amended to read as follows:

11 Notice of the lien is not required to be recorded. The
12 rights of the state under the lien have priority over all
13 subsequent mortgages, purchases, or judgment creditors; and a
14 conveyance after the decedent's death of the property subject
15 to a lien does not discharge the property except as otherwise
16 provided in this chapter. However, if additional tax is
17 determined to be owing under this chapter ~~or chapter 451~~ after
18 the lien has been released under paragraph "a" or "b", the lien
19 does not have priority over subsequent mortgages, purchases,
20 or judgment creditors unless notice of the lien is recorded in
21 the office of the recorder of the county where the estate is
22 probated, or where the property is located if the estate has
23 not been administered. The department of revenue may release
24 the lien by filing in the office of the clerk of the court in
25 the county where the property is located, the decedent owner
26 died, or the estate is pending or was administered, one of the
27 following:

28 Sec. 17. Section 450.68, subsection 1, paragraph b, Code
29 2014, is amended to read as follows:

30 b. Federal tax returns, copies of returns, return
31 information as defined in section 6103(b) of the Internal
32 Revenue Code, and state inheritance tax returns, which are
33 required to be filed with the department for the enforcement
34 of the inheritance ~~and estate~~ tax laws of this state, shall be
35 deemed and held as confidential by the department. However,

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1 such returns or return information may be disclosed by the
2 director to officers or employees of other state agencies,
3 subject to the same confidentiality restrictions imposed on the
4 officers and employees of the department.

5 Sec. 18. Section 455G.6, subsection 14, Code 2014, is
6 amended to read as follows:

7 14. Bonds issued under the provisions of this section are
8 declared to be issued for an essential public and governmental
9 purpose and all bonds issued under this subchapter shall be
10 exempt from taxation by the state of Iowa and the interest on
11 the bonds shall be exempt from the state income tax and the
12 state inheritance ~~and estate~~ tax.

13 Sec. 19. Section 463C.12, subsection 8, Code 2014, is
14 amended to read as follows:

15 8. Tax-exempt bonds issued by the authority in connection
16 with the program, which are exempt from taxation for federal
17 tax purposes, are also exempt from taxation by the state of
18 Iowa and the interest on these bonds is exempt from state
19 income taxes and state inheritance ~~and estate~~ taxes.

20 Sec. 20. Section 524.1406, subsection 3, paragraph a, Code
21 2014, is amended to read as follows:

22 a. Notwithstanding any contrary provision in chapter
23 490, division XIII, in determining the fair value of the
24 shareholder's shares of a bank organized under this chapter
25 or a bank holding company as defined in section 524.1801 in a
26 transaction or event in which the shareholder is entitled to
27 appraisal rights, due consideration shall be given to valuation
28 factors recognized for federal ~~and state~~ estate tax purposes,
29 including discounts for minority interests and discounts
30 for lack of marketability. However, any payment made to
31 shareholders under section 490.1324 shall be in an amount not
32 less than the stockholders' equity in the bank disclosed in its
33 last statement of condition filed under section 524.220 or the
34 total equity capital of the bank holding company disclosed in
35 the most recent report filed by the bank holding company with

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1 the board of governors of the federal reserve system, divided
2 by the number of shares outstanding.

3 Sec. 21. Section 633.3, subsections 4 and 8, Code 2014, are
4 amended to read as follows:

5 4. *Charges* — includes costs of administration, funeral
6 expenses, cost of monument, and federal ~~and state~~ estate taxes.

7 8. *Costs of administration* — includes court costs,
8 fiduciary's fees, attorney fees, all appraisers' fees, premiums
9 on corporate surety bonds, statutory allowance for support
10 of surviving spouse and children, cost of continuation of
11 abstracts of title, recording fees, transfer fees, transfer
12 taxes, agents' fees allowed by order of court, interest
13 expense, including but not limited to interest payable on
14 extension of federal ~~and state~~ estate tax, and all other fees
15 and expenses allowed by order of court in connection with
16 the administration of the estate. Court costs shall include
17 expenses of selling property.

18 Sec. 22. Section 633.436, subsection 1, unnumbered
19 paragraph 1, Code 2014, is amended to read as follows:

20 Except as provided in sections 633.211 and 633.212, shares
21 of the distributees shall abate, for the payment of debts and
22 charges, federal ~~and state~~ estate taxes, legacies, the shares
23 of children born or adopted after the making of a will, or the
24 share of the surviving spouse who elects to take against the
25 will, without any preference or priority as between real and
26 personal property, in the following order:

27 Sec. 23. Section 633.449, Code 2014, is amended to read as
28 follows:

29 **633.449 Payment of federal estate taxes.**

30 All federal estate taxes, distinguished from state
31 inheritance ~~and estate~~ taxes, owing by the estate of a decedent
32 shall be paid from the property of the estate, unless the will
33 of the decedent, or other trust instrument, provides expressly
34 to the contrary.

35 Sec. 24. Section 633A.4703, unnumbered paragraph 1, Code

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1 2014, is amended to read as follows:

2 Except as otherwise provided by the governing instrument,
3 where necessary to abate shares of the beneficiaries of a trust
4 for the payment of debts and charges, federal ~~and state~~ estate
5 taxes, bequests, the share of the surviving spouse who takes
6 an elective share, and the shares of children born or adopted
7 after the execution of the trust, abatement shall occur in the
8 following order:

9 Sec. 25. REPEAL. Chapters 450A and 451, Code 2014, are
10 repealed.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill updates the Iowa Code references to the Internal
15 Revenue Code to make federal income tax revisions enacted by
16 Congress in 2013 applicable for Iowa income tax purposes, and
17 repeals the generation skipping transfer tax and the Iowa
18 estate tax.

19 DIVISION I — INTERNAL REVENUE CODE REFERENCES. The
20 division amends Code sections 422.3 and 422.32, general
21 definition sections in the chapter of the Code that governs
22 corporate and individual income tax and the franchise tax
23 on financial institutions, to update the references to the
24 Internal Revenue Code.

25 The division amends Code sections 15.335, 422.10, and 422.33
26 to update the references to the Internal Revenue Code for the
27 state research activities credit for individuals, corporations,
28 and corporations in economic development areas to include the
29 federal changes to the research activities credit and the
30 alternative simplified research activities credit.

31 Division I takes effect upon enactment and applies
32 retroactively to January 1, 2013, for tax years beginning on
33 or after that date.

34 DIVISION II — REPEAL OF GENERATION SKIPPING TRANSFER TAX
35 AND IOWA ESTATE TAX. The division repeals the generation

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1 skipping transfer tax and Iowa estate tax. Iowa once had an
2 estate tax equal to the federal estate tax credit for state
3 inheritance and estate taxes paid. This type of tax was
4 referred to as a "pick-up tax" because it levied an amount
5 of tax equal to the credit against federal estate taxes,
6 thereby allowing the state to collect estate tax revenue
7 without increasing the total amount of tax due from the estate.
8 Similarly, Iowa has a generation skipping transfer tax based on
9 the same concept and equal to the federal generation skipping
10 transfer tax credit for state generation skipping transfer tax
11 paid.

12 In 2001, Congress enacted the Economic Growth and Tax Relief
13 Reconciliation Act which temporarily phased out these two
14 federal tax credits and replaced them with reduced federal
15 estate tax rates and an increased exemption level for estates.
16 These federal tax credits were fully phased out in 2005.
17 Therefore, Iowa has not collected any estate tax or generation
18 skipping transfer tax for estates of decedents dying, nor for
19 generation skipping transfers occurring, after December 31,
20 2004.

21 Iowa's estate tax was repealed in 2008 and then reenacted
22 in 2010, but its implementation was contingent on the
23 reimplementing of the federal tax credits. However, in
24 2013 Congress enacted the American Taxpayer Relief Act which
25 permanently eliminated the federal estate tax and generation
26 skipping transfer tax credits.

27 The division also makes conforming changes to remove
28 references in the Iowa Code to the Iowa estate tax and to Code
29 chapters 450A and 451.



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House File 2436 - Introduced

HOUSE FILE 2436
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 645)

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 423.3, subsection 57, paragraph c, Code
2 2014, is amended to read as follows:

3 c. *"Dietary supplement"* means any product, other than
4 tobacco, intended to supplement the diet that meets all of the
5 following criteria:

6 (1) The product contains one or more of the following
7 dietary ingredients:

8 ~~(1)~~ (a) A vitamin.

9 ~~(2)~~ (b) A mineral.

10 ~~(3)~~ (c) An herb or other botanical.

11 ~~(4)~~ (d) An amino acid.

12 ~~(5)~~ (e) A dietary substance for use by humans to supplement
13 the diet by increasing the total dietary intake.

14 ~~(6)~~ (f) A concentrate, metabolite, constituent, extract,
15 or combination of any of the ingredients in ~~subparagraphs (1)~~
16 ~~through (5) that~~ subparagraph divisions (a) through (e).

17 (2) The product is intended for ingestion in tablet,
18 capsule, powder, softgel, gelcap, or liquid form, or if not
19 intended for ingestion in such a form, is not represented as
20 conventional food and is not represented for use as a sole item
21 of a meal or of the diet; ~~and.~~

22 (3) The product is required to be labeled as a dietary
23 supplement, identifiable by the "supplement facts" box found on
24 the label and as required pursuant to 21 C.F.R. § 101.36.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to the administration of the sales and use
29 taxes under the streamlined sales and use tax agreement.

30 Iowa is a member of the streamlined sales and use tax
31 agreement, which is an effort to administer state sales and
32 use taxes in all participating states according to the same
33 simplified system. Under the agreement, Iowa must periodically
34 make changes in the administration of the sales and use taxes
35 in order to remain in compliance.

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1 The bill amends the definition of "dietary supplement"
2 to conform the language of the definition to the definition
3 of "dietary supplement" in the streamlined sales and use tax
4 agreement.



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House Resolution 113 - Introduced

HOUSE RESOLUTION NO. 113

BY KAJTAZOVIC

1 A Resolution commemorating July 11th as the anniversary
2 of the Srebrenica genocide.
3 WHEREAS, on July 11, 1995, the eastern Bosnian town
4 of Srebrenica fell to the Bosnian Serb forces; and
5 WHEREAS, during the next several days of carnage
6 more than 8,000 Muslim men and boys were summarily
7 executed by Bosnian Serb forces; and
8 WHEREAS, approximately 20 percent of Srebrenica's
9 total population at the time, at least 7,000 and
10 perhaps thousands more, was either executed or
11 otherwise killed; and
12 WHEREAS, in spite of the enormous efforts made
13 to date to discover and exhume mass and individual
14 graves and identify the bodies of the victims,
15 the searches conducted up until now do not offer a
16 complete reconstruction of the events in and around
17 Srebrenica; and
18 WHEREAS, the massacre at Srebrenica was among the
19 worst of many horrible atrocities to occur in the
20 conflict in Bosnia and Herzegovina, which ultimately
21 led to the displacement of more than 2,000,000 people,
22 with an estimated 200,000 killed; NOW THEREFORE,
23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
24 That the House of Representatives commemorates July
25 11th in remembrance of the Srebrenica genocide and
26 urges all Iowans to consider the horror of genocide
27 and to actively support efforts to eliminate this most
28 terrible of crimes.

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House Study Bill 670 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to the sales tax exemption for the purchase
2 of certain items used in certain manufacturing, research
3 and development, data processing or storage, or recycling
4 activities.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 423.3, subsection 47, paragraph a,
2 unnumbered paragraph 1, Code 2014, is amended to read as
3 follows:

4 The sales price from the sale or rental of computers,
5 machinery, ~~and equipment, including~~ replacement parts,
6 supplies, and materials used to construct or self-construct
7 computers, machinery, ~~and equipment, replacement parts, and~~
8 supplies, if such items are any of the following:

9 Sec. 2. Section 423.3, subsection 47, paragraph d, Code
10 2014, is amended by adding the following new subparagraphs:

11 NEW SUBPARAGRAPH. (7) "*Replacement part*" means tangible
12 personal property other than computers, machinery, equipment,
13 or supplies, regardless of the cost or useful life of the
14 tangible personal property, that meets all of the following
15 conditions:

16 (a) The tangible personal property replaces a component of
17 a computer, machinery, or equipment, which component is capable
18 of being separated from the computer, machinery, or equipment.

19 (b) The tangible personal property performs the same or
20 similar function as the component it replaced.

21 (c) The tangible personal property restores the computer,
22 machinery, or equipment to an operational condition, or
23 upgrades or improves the efficiency of the computer, machinery,
24 or equipment.

25 NEW SUBPARAGRAPH. (8) "*Supplies*" means tangible personal
26 property, other than computers, machinery, equipment, or
27 replacement parts, that meets one of the following conditions:

28 (a) The tangible personal property is to be connected
29 to a computer, machinery, or equipment and requires regular
30 replacement because the property is consumed or deteriorates
31 during use, including but not limited to saw blades, drill
32 bits, filters, and other similar items with a short useful
33 life.

34 (b) The tangible personal property is used in conjunction
35 with a computer, machinery, or equipment and is specially



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1 designed for use in manufacturing specific products and may
2 be used interchangeably and intermittently on a particular
3 computer, machine, or piece of equipment, including but not
4 limited to jigs, dies, tools, and other similar items.

5 (c) The tangible personal property comes into physical
6 contact with other tangible personal property used in
7 processing and is used to assist with or maintain conditions
8 necessary for processing, including but not limited to cutting
9 fluids, oils, coolants, lubricants, and other similar items
10 with a short useful life.

11 (d) The tangible personal property is directly and
12 primarily used in an activity described in paragraph "a",
13 subparagraphs (1) through (6), including but not limited
14 to prototype materials, testing materials, and application
15 software.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the sales tax exemption in Code section
20 423.3(47) for the purchase or rental of certain items used in
21 manufacturing, research and development, data processing or
22 storage, or recycling activities.

23 Under current law, the exemption includes replacement
24 parts. The bill amends the exemption to include materials
25 used to construct or self-construct replacement parts. The
26 bill defines "replacement part" for purposes of the exemption
27 to mean tangible personal property other than computers,
28 machinery, equipment, or supplies, regardless of the cost or
29 useful life of the property, that replaces a component of a
30 computer, machinery, or equipment, performs the same or similar
31 function as that component, and restores or improves the
32 computer, machinery, or equipment.

33 The bill also amends the exemption to include supplies
34 and materials used to construct or self-construct supplies.
35 "Supplies" is defined in the bill as tangible personal property

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1 that is not a computer, machinery, equipment, or replacement
2 part and that meets one of the following four conditions:

3 1. The tangible personal property is to be connected to
4 a computer, machinery, or equipment and requires regular
5 replacement because it is consumed or deteriorates during
6 use. Examples of items that meet this requirement include saw
7 blades, drill bits, filters, and other similar items with a
8 short useful life.

9 2. The tangible personal property is used in conjunction
10 with a computer, machinery, or equipment and is specially
11 designed for use in manufacturing specific products and may
12 be used interchangeably and intermittently on a particular
13 computer, machine, or piece of equipment. Examples of items
14 that meet this requirement include jigs, dies, tools, and other
15 similar items.

16 3. The tangible personal property comes into physical
17 contact with other tangible personal property used in
18 processing and is used to assist with or maintain conditions
19 necessary for processing. Examples of items that meet this
20 requirement include cutting fluids, oils, coolants, lubricants,
21 and other similar items with a short useful life.

22 4. The tangible property is directly and primarily used
23 in an activity described in Code section 423.3(47)(a)(1)-(6).
24 Examples of items that meet this requirement include prototype
25 materials, testing materials, and application software.

26 By operation of Code section 423.6, an item exempt from the
27 imposition of the sales tax is also exempt from the use tax
28 imposed in Code section 423.5.



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Senate File 2309

S-5040

1 Amend Senate File 2309 as follows:
2 1. By striking everything after the enacting clause
3 and inserting:
4 <Section 1. Section 902.1, subsection 2, Code 2014,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:
7 2. a. Notwithstanding subsection 1, a person
8 convicted of murder in the first degree in violation of
9 section 707.2, who was under the age of eighteen at the
10 time the offense was committed shall receive one of the
11 following sentences:
12 (1) Commitment into the custody of the director
13 of the department of corrections for the rest of the
14 defendant's life with no possibility of parole unless
15 the governor commutes the sentence to a term of years.
16 (2) (a) Commitment into the custody of the
17 director of the department of corrections for the
18 rest of the defendant's life with the possibility of
19 parole after serving a minimum term of confinement of
20 thirty-five years.
21 (b) Earned time shall not reduce the mandatory
22 minimum term of confinement under this subparagraph.
23 b. (1) The prosecuting attorney shall provide
24 reasonable notice to the defendant, after conviction
25 and prior to sentencing, of the state's intention to
26 seek a life sentence with no possibility of parole
27 under paragraph "a", subparagraph (1).
28 (2) In determining which sentence to impose, the
29 court shall consider all circumstances including but
30 not limited to the following:
31 (a) The impact of the offense on each victim, as
32 defined in section 915.10, through the use of a victim
33 impact statement, as defined in section 915.10, under
34 any format permitted by section 915.13. The victim
35 impact statement may include comment on the sentence
36 of the defendant.
37 (b) The impact of the offense on the community.
38 (c) The threat to the safety of the public or any
39 individual posed by the defendant.
40 (d) The degree of participation in the offense by
41 the defendant.
42 (e) The nature of the offense.
43 (f) The defendant's remorse.
44 (g) The defendant's acceptance of responsibility.
45 (h) The severity of the offense, including any of
46 the following:
47 (i) The commission of the offense while
48 participating in another felony.
49 (ii) The number of victims.
50 (iii) The heinous, brutal, cruel manner of the

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1 offense, including whether the offense was the result
2 of torture.
3 (iv) The capacity of the defendant to appreciate
4 the criminality of the conduct.
5 (i) Whether the ability to conform the defendant's
6 conduct with the requirements of the law was
7 substantially impaired.
8 (j) The level of maturity of the defendant.
9 (k) The intellectual and mental capacity of the
10 defendant.
11 (l) The nature and extent of any prior juvenile
12 or criminal history of the defendant, including
13 the success or failure of previous attempts at
14 rehabilitation.
15 (m) The mental history of the defendant.
16 (n) The level of compulsion, duress, or influence
17 exerted upon the defendant, but not to such an extent
18 as to constitute a defense.
19 (o) The likelihood of the commission of further
20 offenses by the defendant.
21 (p) The chronological age of the defendant and the
22 features of youth, including immaturity, impetuosity,
23 and failure to appreciate risks and consequences.
24 (q) The family and home environment that surrounded
25 the defendant.
26 (r) The circumstances of the offense including
27 the extent of the defendant's participation in the
28 conduct and the way familial and peer pressure may have
29 affected the defendant.
30 (s) The incompetencies associated with youth,
31 including but not limited to the defendant's inability
32 to deal with police officers or the prosecution or
33 the defendant's incapacity to assist the defendant's
34 attorney in the defendant's defense.
35 (t) The possibility of rehabilitation.
36 (u) Any other information considered relevant by
37 the sentencing court.
38 (3) The court may consider evidence presented
39 at trial and additional evidence presented by the
40 prosecution or defense at the sentencing hearing. The
41 court shall specify on the record the circumstances
42 considered by the court and the reasons supporting the
43 sentence imposed.
44 Sec. 2. Section 902.1, Code 2014, is amended by
45 adding the following new subsections:
46 NEW SUBSECTION. 3. Notwithstanding subsections
47 1 and 2, a person convicted of a class "A" felony,
48 other than murder in the first degree in violation of
49 section 707.2, who was under the age of eighteen at the
50 time the offense was committed shall be eligible for

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1 parole after serving a minimum term of confinement of
2 twenty-five years.

3 NEW SUBSECTION. 4. *a.* If a person is paroled
4 pursuant to subsection 2 or 3, the person shall be
5 subject to the same set of procedures set out in
6 chapters 901B, 905, 906, and 908, and rules adopted
7 under those chapters for persons on parole.

8 *b.* Earned time shall not reduce the mandatory
9 minimum term of confinement under this subsection.

10 Sec. 3. RETROACTIVE APPLICABILITY. The sentencing
11 provisions of this Act shall apply to a person who was
12 convicted of a class "A" felony prior to, on, or after
13 the effective date of this Act and who was under the
14 age of eighteen at the time the offense was committed.

15 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being
16 deemed of immediate importance, takes effect upon
17 enactment.>

18 2. Title page, line 2, after <juveniles> by
19 inserting <, and including effective date and
20 retroactive applicability provisions>

JULIAN GARRETT



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Senate File 2328

S-5041

- 1 Amend Senate File 2328 as follows:
2 1. Page 4, line 15, by striking <is consistent> and
3 inserting <are consistent>
4 2. Page 5, line 3, after <authority.> by inserting
5 <The division may also be referred to as Iowa title
6 guaranty.>
7 3. Page 5, line 7, before <board> by inserting
8 <division>
9 4. Page 5, line 13, before <board> by inserting
10 <division>
11 5. Page 5, lines 21 and 22, by striking <displaced
12 farmers,>
13 6. Page 5, line 31, by striking <such>
14 7. Page 6, by striking lines 24 and 25 and
15 inserting:
16 <1. The powers of the agricultural development
17 division>
18 8. Page 6, line 32, by striking <Iowa finance>
19 9. Page 7, line 4, by striking <Iowa finance>
20 10. Page 8, line 6, by striking <Iowa finance>
21 11. Page 10, lines 27 and 28, by striking <Iowa
22 finance>
23 12. Page 10, line 30, by striking <Iowa finance>
24 13. Page 11, line 15, by striking <Iowa finance>
25 14. Page 11, line 27, by striking <Iowa finance>
26 15. Page 12, line 2, by striking <Iowa finance>
27 16. Page 14, line 29, by striking <selection> and
28 inserting <the selection>
29 17. Page 15, by striking lines 11 through 14.
30 18. Page 17, line 19, by striking <subchapter,> and
31 inserting <subchapter>
32 19. Page 17, line 27, by striking <A complete
33 report shall include> and inserting <The complete
34 annual report shall contain>
35 20. Page 19, line 1, by striking <Iowa finance>
36 21. By striking page 23, line 23, through page 24,
37 line 19.
38 22. By striking page 24, line 20, through page 25,
39 line 21.
40 23. Page 27, line 30, by striking <which>
41 24. Page 39, line 15, by striking <under the
42 authority of the Iowa finance> and inserting <under the
43 control of the>
44 25. Page 39, line 25, by striking <Iowa finance>
45 26. By striking page 40, line 32, through page 41,
46 line 3.
47 27. Page 41, line 21, by striking <Iowa finance>
48 28. Page 52, line 21, before <any> by inserting
49 <that>
50 29. Page 52, line 23, by striking <its prior> and

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1 inserting <the authority's prior>
2 30. Page 52, line 23, by striking <consent> and
3 inserting <consent,>
4 31. Page 52, line 25, by striking <its prior> and
5 inserting <the authority's prior>
6 32. Page 53, line 21, by striking <the beginning>
7 and inserting <a beginning>
8 33. Page 53, line 23, by striking <furnish> and
9 inserting <to furnish>
10 34. Page 56, line 2, by striking <improvements> and
11 inserting <improvements,>
12 35. Page 56, line 8, by striking <must> and
13 inserting <shall>
14 36. Page 58, line 1, by striking <attached to> and
15 inserting <included with>
16 37. Page 62, line 10, by striking <attached to> and
17 inserting <included with>
18 38. Page 64, lines 20 and 21, by striking <notes
19 and investments thereon> and inserting <notes, and the
20 investments on the proceeds,>
21 39. Page 69, line 12, by striking <Iowa finance>
22 and inserting <~~Iowa finance~~>
23 40. Page 70, by striking lines 15 and 16 and
24 inserting:
25 <Sec. _____. Section 16.105, subsection 13, Code
26 2014, is amended by striking the subsection.>
27 41. Page 78, lines 9 and 10, by striking <sections
28 16.26 and 16.27 as amended in this Act,> and inserting
29 <section 16.26 as amended in this Act, section 16.27,>
30 42. Page 78, lines 23 and 24, by striking <and
31 sections 16.55 through> and inserting <reserved section
32 16.55, and sections 16.56 and>
33 43. Page 79, lines 6 and 7, by striking <and
34 sections 16.55 through> and inserting <reserved section
35 16.55, and sections 16.56 and>
36 44. Page 88, line 31, by striking <attached to> and
37 inserting <included with>
38 45. By renumbering as necessary.

JEFF DANIELSON

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Senate File 2301

S-5042

- 1 Amend Senate File 2301 as follows:
2 1. By striking page 4, line 24, through page 5,
3 line 5, and inserting <the polls close on election day
4 or, for a voter included within the term "armed forces
5 of the United States" under section 53.37, be clearly
6 postmarked by an officially authorized postal service
7 not later than the day before the election and received
8 by the commissioner not later than noon on the Monday
9 following the election.>
10 2. By renumbering as necessary.

RANDY FEENSTRA

MARK CHELGREN



Iowa General Assembly
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Senate File 2262

S-5043

1 Amend Senate File 2262 as follows:

2 1. Page 2, by striking line 15 and inserting <of
3 public health within five days. The department of
4 public health shall publish the submitted results on
5 the department's internet site for public review and
6 shall provide the submitted results to the department
7 of education.>

TOD R. BOWMAN



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Senate File 2289

S-5044

1 Amend Senate File 2289 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 321.210, subsection 2,
5 paragraph e, Code 2014, is amended by striking the
6 paragraph.

7 Sec. 2. Section 321.276, subsections 1 and 2, Code
8 2014, are amended to read as follows:

9 1. For purposes of this section:

10 a. *"Engage in a call"* means talking or listening
11 on a mobile telephone or other portable electronic
12 communication device.

13 b. ~~*"Hand-held electronic"*~~ *"Electronic communication*
14 *device"* means a mobile telephone, portable or mobile
15 computer, or other portable electronic ~~communication~~
16 device capable of being used to write compose, send,
17 or read a text an electronic message. ~~*"Hand-held*~~
18 ~~*electronic"*~~ *"Electronic communication device"* does not
19 include a voice-operated or hands-free device which
20 allows the user to write compose, send, or read a text
21 an electronic message without the use of either hand
22 except to activate or deactivate a feature or function.
23 ~~*"Hand-held electronic"*~~ *"Electronic communication device"*
24 does not include a wireless communication device used
25 to transmit or receive data as part of a digital
26 dispatch system. ~~*"Hand-held electronic"*~~ *"Electronic*
27 *communication device"* includes a device which is
28 temporarily mounted inside the motor vehicle, unless
29 the device is a voice-operated or hands-free device.

30 c. ~~*"Text"*~~ *"Electronic message"* means a self-contained
31 piece of digital communication that is designed
32 or intended or be transmitted by electronic means.
33 *"Electronic message"* includes but is not limited to a
34 text-based message, an instant message, and ~~electronic~~
35 mail an electronic mail message, and a communication
36 designed to initiate access to an internet site.

37 d. The terms ~~*"write"*~~ *"compose"*, *"send"*, and *"read"*,
38 with respect to a text an electronic message, mean the
39 manual entry, transmission, and retrieval of a text an
40 electronic message, respectively, to communicate with
41 any other person or device.

42 2. A person shall not use a ~~hand-held~~ an electronic
43 communication device to write compose, send, or read
44 a text an electronic message while driving a motor
45 vehicle unless the motor vehicle is at a complete stop
46 off the traveled portion of the roadway.

47 a. A person does not violate this section by using
48 a global positioning system or navigation system
49 or when, for the purpose of engaging in a call,
50 the person selects or enters a telephone number or

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1 name in a hand-held mobile telephone or activates,
2 deactivates, or initiates a function of a hand-held
3 mobile telephone.
4 b. The provisions of this subsection relating to
5 reading ~~a text~~ an electronic message do not apply to
6 the following persons:
7 (1) A member of a public safety agency, as defined
8 in section 34.1, performing official duties.
9 (2) A health care professional in the course of an
10 emergency situation.
11 (3) A person receiving safety-related information
12 including emergency, traffic, or weather alerts.
13 Sec. 3. Section 321.276, subsection 4, Code 2014,
14 is amended to read as follows:
15 4. ~~a.~~ A person convicted of a violation of this
16 section is guilty of a simple misdemeanor punishable as
17 a scheduled violation under section 805.8A, subsection
18 ~~14~~ 6, paragraph ~~"1"~~ "0c".
19 ~~b. A violation of this section shall not be~~
20 ~~considered a moving violation for purposes of this~~
21 ~~chapter or rules adopted pursuant to this chapter.~~
22 Sec. 4. Section 321.276, subsection 5, Code 2014,
23 is amended by striking the subsection.
24 Sec. 5. Section 321.555, subsection 2, Code 2014,
25 is amended to read as follows:
26 2. Six or more of any separate and distinct
27 offenses within a two-year period in the operation of a
28 motor vehicle, which are required to be reported to the
29 department by section 321.491 or chapter 321C, except
30 equipment violations, parking violations as defined
31 in section 321.210, violations of registration laws,
32 violations of sections 321.445 and 321.446, ~~violations~~
33 ~~of section 321.276,~~ operating a vehicle with an expired
34 license or permit, failure to appear, weights and
35 measures violations and speeding violations of less
36 than fifteen miles per hour over the legal speed limit.
37 Sec. 6. Section 805.8A, subsection 6, Code 2014, is
38 amended by adding the following new paragraph:
39 NEW PARAGRAPH. 0c. Section 321.276.....\$30
40 Sec. 7. Section 805.8A, subsection 14, paragraph 1,
41 Code 2014, is amended by striking the paragraph.>
42 2. Title page, line 1, by striking <texting while
43 driving as> and inserting <electronic messaging while
44 driving as a moving violation and>
45 3. Title page, line 2, after <enforcement> by
46 inserting <, and making penalties applicable>
47 4. By renumbering as necessary.

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TOD R. BOWMAN



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House Amendment to
Senate File 2056

S-5045

1 Amend Senate File 2056, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 257.3, subsection 2, paragraph
5 d, Code 2014, is amended to read as follows:

6 d. For purposes of this section, a reorganized
7 school district is one which absorbs at least thirty
8 percent of the enrollment of the school district
9 affected by a reorganization or dissolved during
10 a dissolution and in which action to bring about a
11 reorganization or dissolution is initiated by a vote
12 of the board of directors or jointly by the affected
13 boards of directors to take effect on or after July
14 1, 2007, and on or before July 1, 2014 2019. Each
15 district which initiated, by a vote of the board of
16 directors or jointly by the affected boards, action to
17 bring about a reorganization or dissolution to take
18 effect on or after July 1, 2007, and on or before July
19 1, 2014 2019, shall certify the date and the nature
20 of the action taken to the department of education
21 by January 1 of the year in which the reorganization
22 or dissolution takes effect. ~~For a reorganization or~~
23 ~~dissolution that took effect on or after July 1, 2002,~~
24 ~~and on or before July 1, 2006, the reorganized school~~
25 ~~district shall continue to receive the benefits of~~
26 ~~paragraphs "a" and "b" of this subsection for the time~~
27 ~~specified in those paragraphs.~~>

28 2. Page 1, after line 22 by inserting:

29 <Sec. _____. Section 257.11, subsection 5, Code 2014,
30 is amended by striking the subsection.

31 Sec. _____. Section 257.11A, Code 2014, is amended to
32 read as follows:

33 **257.11A Supplementary weighting and school**
34 **reorganization.**

35 1. In determining weighted enrollment under section
36 257.6, if the board of directors of a school district
37 has approved a contract for sharing pursuant to section
38 257.11 and the school district has approved an action
39 to bring about a reorganization to take effect on and
40 after July 1, 2007, and on or before July 1, 2014
41 2019, the reorganized school district shall include,
42 for a period of three years following the effective
43 date of the reorganization, additional pupils added by
44 the application of the supplementary weighting plan,
45 equal to the pupils added by the application of the
46 supplementary weighting plan in the year preceding the
47 reorganization. For the purposes of this subsection,
48 the weighted enrollment for the period of three
49 years following the effective date of reorganization
50 shall include the supplementary weighting in the base

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1 year used for determining the combined district cost
2 for the first year of the reorganization. However,
3 the weighting shall be reduced by the supplementary
4 weighting added for a pupil whose residency is not
5 within the reorganized district.

6 2. For purposes of this section, a reorganized
7 district is one in which the reorganization was
8 approved in an election pursuant to sections 275.18
9 and 275.20 and takes effect on or after July 1, 2007,
10 and on or before July 1, ~~2014~~ 2019. Each district
11 which initiates, by a vote of the board of directors or
12 jointly by the affected boards, action to bring about
13 a reorganization or dissolution to take effect on or
14 after July 1, 2007, and on or before July 1, ~~2014~~ 2019,
15 shall certify the date and the nature of the action
16 taken to the department of education by January 1 of
17 the year in which the reorganization or dissolution
18 takes effect.

19 3. A school district shall be eligible for a
20 combined maximum total of six years of supplementary
21 weighting under the provisions of this section and
22 section 257.11, subsection 2, paragraph "c". ~~A school~~
23 ~~district participating in a whole grade sharing~~
24 ~~arrangement during the budget year beginning July 1,~~
25 ~~2001, that adopted a resolution jointly with other~~
26 ~~affected boards to study the question of undergoing~~
27 ~~a reorganization or dissolution to take effect on or~~
28 ~~after July 1, 2002, and on or before July 1, 2006,~~
29 ~~shall continue to receive the supplementary weighting~~
30 ~~to which it was entitled pursuant to the provisions~~
31 ~~of this section and section 257.11, subsection 2,~~
32 ~~paragraph "c".>~~

33 3. Title page, by striking lines 1 and 2 and
34 inserting <An act relating to incentives for whole
35 grade sharing and reorganization or dissolution by
36 school districts.>



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Senate File 2204

S-5046

- 1 Amend Senate File 2204 as follows:
- 2 1. Page 1, by striking lines 10 through 17.
- 3 2. Page 1, line 22, by striking <benefits> and
- 4 inserting <benefit>
- 5 3. Page 2, by striking lines 16 through 22.
- 6 4. Title page, line 1, by striking <benefits> and
- 7 inserting <benefit>
- 8 5. By renumbering as necessary.

MATT McCOY

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(amending this SF
2204 to CONFORM to
HF 2297)

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rj/nh

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House File 2297

S-5047

- 1 Amend House File 2297, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 14, by striking <benefit> and
- 4 inserting <benefits>
- 5 2. Title page, line 1, by striking <benefit> and
- 6 inserting <benefits>

MATT McCOY